

Summary of Proposed Title 3 of the Local Rules (Formerly Chapters 4, 5, 6 and 7)

Proposed Title 3 of the court's Local Rules ("rules") entitled *Civil Rules* (formerly Chapters 4, 5, 6, and 7 of the rules) is part of the court's effort to reorganize the rules to parallel the newly renumbered and reorganized California Rules of Court and to simplify, modernize, and improve the rules. Moreover, many of the proposed rules are made to accommodate the implementation of civil direct calendaring for most civil cases effective July 1, 2007. The proposed amendments are summarized in the table below. Immediately following the summary, you will find the full text of proposed Title 3 noted in [underline](#).

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Title 3. Civil Rules

Chapter 1. Rules Applicable to All Civil Cases

Rule 3.1. Title

The rules in this title may be referred to as the Local Civil Rules.

Rule 3.10. Application

The Local Civil Rules apply to all civil cases in the court, including general civil, family, juvenile, and probate cases, unless otherwise provided in these rules or by rule in the California Rules of Court or by order in a particular case.

Rule 3.20. Designation of civil cases

For the purposes of these rules, the following definitions and designations apply.

(a) Unlimited and limited civil cases

Cases designated on the Civil Case Cover Sheet as Auto Tort, Other PI/PD/WD Tort, except Asbestos, Non-PI/PD/WD Tort, Employment, Contract, except Collection Cases, and Real Property are unlimited and limited civil cases under these rules.

(b) Complex cases

All cases provisionally designated as complex or determined after hearing to be complex.

(c) Asbestos and silica cases

All cases in which a primary theory of recovery concerns exposure to asbestos fibers or products or crystalline silica in any form, whether the theory plead is wrongful death, personal injury, product liability, or other causes of action will be designated as an asbestos or silica case.

(d) Petitions and writs

All cases seeking approval of a petition to compel arbitration filed as the initial pleading or to confirm an arbitration award, petitions for extraordinary relief sought pursuant to C.C.P. 1094.5 and 1085 and not combined with other civil claims, including actions brought pursuant to the California Environmental Quality Act, will be designated as petition cases.

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(e) Uninsured motorist cases

All cases designated on the Civil Cover Sheet as an Uninsured Motorist case are uninsured motorist cases under these rules.

(f) Small claims cases

Any case that is filed in the small claims court is a small claims case under these rules.

(g) Collection cases

A collection case is an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorneys fees, arising from a transaction in which property, services, or money was acquired. A collections case does not include an action seeking the following: (1) Tort damages; (2) Punitive damages; (3) Recovery of real property; (4) Recovery of personal property; or (5) A prejudgment writ of attachment.

(h) Unlawful detainer actions

All cases designated as unlawful detainer actions on the Civil Case Cover Sheet are designated unlawful detainer actions under these rules.

Rule 3.25. Status or case management conference

The court may set any case for a status or case management conference at any time upon notice. The notice may require the appearance of the parties, filing of a pleading, performance of an act, or any other matter the court orders.

Rule 3.30. Law and motion

(a) Law and motion department

Law and motion matters are heard in Department 31 in any case that is not assigned to a judge for all purposes or all pretrial purposes under these rules.

(b) Reserving a hearing date

Any party who desires to have any demurrer, motion, or order to show cause set for hearing must contact the clerk of the department in which the motion will be heard to reserve a hearing date.

(c) Tentative rulings

The court has adopted the tentative ruling procedure set out in California Rules of

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Court, rule 3.1308(a)(1). Prior to the hearing of a law and motion matter, a tentative ruling or indication that the parties are to appear will be issued. The tentative ruling will be available by 4:00 p.m. two court days prior to the scheduled hearing. The tentative ruling may direct the parties to appear for oral argument and may specify the issues on which the court requests the parties to provide further argument. The tentative ruling may be obtained by calling the department's tentative ruling number or by accessing the court's website. The telephone number for the department and the court's website will be provided in the Notice of Assignment. Whenever a tentative ruling has not been issued, the parties are to appear at the hearing unless otherwise ordered.

Rule 3.35. Standing pretrial orders

(a) Application of the pretrial orders

Unless otherwise specified in these rules or modified by the judge to whom the case is assigned at the time of trial setting, the following standing orders will apply to

- (1) All civil jury trials; and
- (2) With the exception of provisions for jury instructions and verdict forms, to all civil court trials.

(b) Exhibits

Each counsel, and any self-represented party, must prepare an index of all exhibits to be offered at trial, other than those to be used for impeachment or rebuttal, for submission with one extra copy to the courtroom clerk at the pretrial conference or on the first day of trial if no pretrial conference is scheduled. The index must identify as separate exhibits each discrete document or item to be offered at trial and the index must include a brief description of each exhibit sufficient to distinguish it from the other exhibits. These indices and copies of the exhibits must be exchanged by counsel, and any self-represented party, at least three court days before the pretrial conference or three court days before trial if a pretrial conference is not scheduled. The parties must meet and confer to eliminate duplicate exhibits and stipulate whenever possible to authenticity and admissibility. Failure to disclose or exchange a copy of any exhibit may result in its exclusion at trial. All objections to an exhibit must be in the form of a motion in limine pursuant to paragraph (e). Failure to file and serve a motion in limine objecting to an exhibit may waive all objections to that exhibit at trial.

(c) Depositions and discovery responses

- (1) Originals of all depositions to be used at trial must be lodged with the courtroom clerk at the pretrial conference or on the first day of trial if a pretrial conference is not scheduled. Counsel, and any self-represented party,

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must meet and confer to edit depositions as necessary and make a good faith effort to resolve admissibility issues related to depositions.

- (2) If depositions, requests for admissions, interrogatory responses, or any other discovery responses, are to be used in lieu of live testimony at trial, the proponent must submit the excerpts to be used to opposing counsel, or any self-represented party, at least three court days before the pretrial conference, or three court days before trial if a pretrial conference is not scheduled. The parties must meet and confer on the admissibility of depositions, requests for admissions, interrogatory responses, or other discovery responses and whenever possible to authenticity and admissibility. Legal grounds for objections to such excerpts must be raised by motion in limine pursuant to subdivision (e).

(d) Transcripts

The parties must meet and confer concerning the proposed use of any video or audio presentation and stipulate whenever possible to the use of the presentation. Objections to any audio or video presentation or transcripts must be raised in a motion in limine pursuant to subdivision (e).

(e) Motions in limine

All motions in limine must be in writing and personally served upon opposing counsel or any self-represented party one court day before the pretrial conference or one court day before the first day of trial if a pretrial conference is not scheduled. In the discretion of the trial judge, motions in limine not served and filed in compliance with this rule might not be heard.

(f) Witnesses

A list of all witnesses, including both expert and non-expert witnesses, to be called at trial, other than those to be called solely for impeachment or in rebuttal, must be personally served upon opposing counsel, or any self-represented party, three court days before the pretrial conference or three court days before trial if a pretrial conference is not scheduled and presented in triplicate to the courtroom clerk at the pretrial conference or on the first day of trial if no pretrial conference is scheduled.

(g) Redaction of exhibits

If medical, personal, or consumer records are involved, the parties are to delete any information that counsel, or any self-represented party, agree should not come into evidence, including insurance information, so that such information is not received by the jury. The proponent must then prepare clean copies of the records for submission into evidence. Any disagreements or legal grounds for objection to the records must be set forth in a motion in limine filed pursuant to subdivision (e).

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(h) Statement of the case

Each counsel, and any self-represented party, must, in advance of the pretrial conference or the first day of trial if no pretrial conference is scheduled, meet and confer for the purpose of agreeing upon a brief nonargumentative summary of the factual nature of the case and a brief statement regarding any alleged injuries and damages for submission to the courtroom clerk at the pretrial conference or on the first day of trial if a pretrial conference is not scheduled.

(i) Jury instructions

Each counsel, and any self-represented party, must personally serve upon opposing counsel, or any self-represented party, three court days before the pretrial conference or the first day of trial if no pretrial conference is scheduled and submit a set of proposed jury instructions to the courtroom clerk at the pretrial conference or on the first day of trial if a pretrial conference is not scheduled. The submission of a list of jury instructions, without the proposed instructions, does not comply with this requirement. The full text of the proposed instructions must be provided including proposed language to complete any blank portions of such instructions and proposed formatting to include or exclude bracketed language in such instructions. Any proposed instruction that is not taken verbatim from jury instructions approved by the Judicial Council of California must include citations to the authorities upon which it is based.

(j) Verdict forms

At least three court days before the pretrial conference or the first day of trial if a pretrial conference is not scheduled, each counsel, and any self-represented party, must meet and confer for the purpose of agreeing upon a form of verdict or special verdict and submit the agreed upon or proposed verdict form, if no agreement has been reached, to the courtroom clerk at the pretrial conference or on the first day of trial if a pretrial conference is not scheduled.

(k) Jury selection

Supplemental voir dire questions and any proposed written juror questionnaire must be personally served upon opposing counsel or any self-represented party three court days before the pretrial conference or the first day of trial if no pretrial conference is scheduled and submitted to the courtroom clerk at the pretrial conference if one is scheduled, or on the first day of trial if a pretrial conference is not scheduled.

(l) Glossary

If the case involves technical or unusual vocabulary, the parties must meet and confer on the contents of a glossary of terms to be included and their definitions. If the case

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involves technical or unusual vocabulary a special glossary must be prepared and must be submitted, in duplicate, to the courtroom clerk at the pretrial conference, or on the first day of trial if a pretrial conference is not scheduled.

(m) Electronic copies

If ordered, counsel must submit to the court and all other parties, electronic copies of proposed juror questionnaires, jury instructions, and verdict forms in addition to printed versions required by this rule. Electronic copies must be in the format ordered by the court.

(n) Consequences of noncompliance

In the discretion of the trial judge, the consequences of noncompliance with an order made under this rule may include imposition of any sanction or order authorized by law including, without limitation, restricting evidence, continuing the trial, sending the case back for further case management, reopening discovery, excluding an exhibit, precluding the testimony of a witness, striking an instruction, or imposing sanctions.

Rule 3.60. Default matters

Once a plaintiff has requested a court judgment under California Rules of Court, rule 3.1800, a civil uncontested hearing will not be set without a court order.

Rule 3.70. Recovery of costs and attorneys fees when judgment is for amount within small claims court jurisdiction

Costs and attorney fees will not be awarded to a prevailing plaintiff when the amount recovered is within the limitation on a small claims court action and the action could have been brought in small claims court in the absence of unusual circumstances. Where the amount sought is within the jurisdiction of small claims court but the party could not bring the action in that court, a declaration setting for the specific basis for such a claim and a copy of the notice required by CCP 1033(b)(2) must be submitted.

Rule 3.90. Failure to comply with these rules

If, at any time, a party fails to pursue a case to disposition or fails to comply with the requirements of these rules, an order to show cause may be issued by the court and a hearing held to determine whether good cause exists for such failure and to consider imposition of sanctions.

Rule 3.95. Court reporter fees

A court reporter will be provided only if requested by a party or ordered by the court. If a party requests a reporter, one day's fee for the reporter must be posted with the clerk at least

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ten days prior to trial. If the trial lasts half a day or less, the balance of the posted fee will be refunded. For trials lasting longer than one day, additional fees must be posted before each day's proceeding.

Rule 3.97. Return of exhibits

(a) Return of exhibits

All exhibits and other materials offered in evidence or otherwise presented at civil trials, including transcripts of depositions and administrative records, will be returned at the conclusion of trial to the custody of the offering party. The custodial party must maintain all exhibits and other materials in the same condition as received from the clerk until 60 days after a final judgment or dismissal of the entire case is entered.

(b) Obtaining certified copies of exhibits

At the conclusion of trial and before the exhibits and other materials are returned to the offering party, any party may request that the court provide certified copies of exhibits and the clerk will prepare and provide such copies at the expense of the requesting party.

Chapter 2. Limited and Unlimited Civil Cases

Rule 3.100. Title

The rules in this chapter may be referred to as the Civil Direct Calendar Rules.

Rule 3.110. Application of this chapter

This chapter applies to all cases that are designated as limited and unlimited cases. These cases may also be referred to as Direct Calendar Cases.

Rule 3.120. Assignment of cases

The presiding judge will assign each unlimited and limited civil case to a single judge for all purposes, including trial, except as further directed by the presiding judge or required by law. That judge may be referred to as a Direct Calendar Judge. The Direct Calendar Judge will schedule, hear, and decide all matters for each case assigned to that judge, except as may otherwise be required by law, provided in these rules, or directed by the presiding judge.

Rule 3.130. Notice of Assignment

(a) Notice of Assignment

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All Direct Calendar cases will be assigned to a judge within two court days of filing. A Notice of Assignment indicating the name and department number of the assigned judge, as well as the assigned judge's departmental schedule for noticed motions and ex parte applications, and a Notice of Initial Case Management Conference will be prepared by the court.

(b) Notice of Assignment includes Notices of Reassignment

As used in this local rule, a Notice of Assignment includes an initial notice as well as any subsequent Notice of Reassignment.

Rule 3.135. Service of notices

(a) Service of notice by the clerk

The clerk will serve the Notice of Assignment and Notice of Initial Case Management Conference, either by mail on counsel of record for plaintiff and on any self-represented plaintiff, or personally on plaintiff or plaintiff's representative at the time the complaint is filed.

(b) Service of notice by a party

(1) Service by a plaintiff

When a plaintiff causes the summons and complaint to be served on a party in the case, a copy of the Notice of Assignment and Notice of Initial Case Management Conference must be served with the summons and complaint. If a plaintiff receives the Notice of Assignment from the court after that plaintiff has already served the summons and complaint on one or more parties, then the plaintiff must cause a copy of the Notice of Assignment to be served forthwith on those parties. If a party, including an intervenor or a voluntarily appearing defendant, appears without previously being served with a summons, then the plaintiff must cause a copy of the Notice of Assignment to be served forthwith on that party.

(2) Service by other parties

When a cross-complainant causes the summons and cross-complaint to be served on a new party in the case, a copy of the Notice of Assignment together with notice of any pending conference or hearing must be served with the summons and cross-complaint. If a cross-complainant receives the Notice of Assignment from the court after the cross-complainant has already effected service of the summons and cross-complaint on one or more new parties, then that cross-complainant must cause a copy of the Notice of Assignment together with notice of any pending conference or hearing to be served

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forthwith on those new parties.

(3) When service not required

Notwithstanding the requirements of the preceding section, a Notice of Assignment need be served on any party that has already been served with that notice.

(4) Proof of service required

Any party serving a Notice of Assignment together with notice of any pending conference or hearing must forthwith file proof of service thereof with the court.

Rule 3.140. Designation of assigned judge in subsequent documents

After a case is assigned, all subsequent documents must state on the face page, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO:
JUDGE [insert name]
DEPARTMENT [insert number]

Rule 3.150. Improper refiling

No party may dismiss and thereafter refile a case for the purpose of obtaining a different judge. Whenever a case is dismissed by a party or by the court prior to judgment and thereafter the same or essentially the same claims, involving the same or essentially the same parties, are alleged in another action, the later filed action will be assigned to the judge to whom the first filed case was assigned unless the presiding judge for good cause otherwise orders. Counsel and any self-represented party in any later filed action must immediately bring the fact of a prior dismissal and refiling to the attention of the court. Counsel for plaintiff or any self-represented plaintiff must give such notice at the time the later pleading is filed. Counsel for all other parties or other self-represented litigants must give notice of any earlier dismissal upon their appearance, or as soon thereafter as they discover that a prior case had been dismissed and refiled.

Rule 3.160. Unavailability of assigned judge

(a) Temporary unavailability of assigned judge

In the event of the temporary unavailability of the judge assigned for all purposes, another judge may be assigned to hear matters in that case. Until and unless the court issues an order or notice revoking the existing single assignment or assigning a new judge for all purposes, any hearing that may take place before another judge does not affect the status of the case as originally assigned for all purposes.

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If, due to temporary unavailability, a judge must hear a matter assigned to another judge, the court will note on the record that the case remains assigned for all purposes to the assigned judge.

(b) Permanent unavailability of assigned judge

If for any reason, including but not limited to death, retirement, resignation, or elevation, a judge assigned to a case for all purposes is unavailable to continue to serve as such, the presiding judge will reassign the case to another judge.

Rule 3.170. Case management

(a) Case management conference

An initial case management conference will be scheduled approximately 150 days after filing of the complaint.

(b) Continuance of case management conference

Requests to continue a case management conference may be submitted to the assigned judge prior to the date the case management statement is due unless the reason for the continuance arose after that date. Request for continuance must explain the reason or reasons that the conference should be continued and must indicate that the requesting party has conferred with opposing counsel or self-represented party, if any, and indicate what the position is of such counsel or party with regard to the request. Requests for continuance that are not granted are deemed denied.

Chapter 3. Complex, Asbestos, and Silica Cases

Rule 3.250. Determination of a case as a complex case or an asbestos or silica case

(a) Complex determination

Cases that are provisionally designated as complex will be assigned to either Department 20 or Department 22 for a complex determination hearing. In all pending cases not previously designated as complex, counsel or self-represented parties may obtain a date for a hearing requesting complex designation by requesting a hearing with the clerk in Department 20 or Department 22.

(b) Determination of a case as an asbestos or silica case

Cases are determined to be asbestos or silica cases on the basis of the information provided on the Civil Case Cover Sheet.

Rule 3.260. Assignment of complex, asbestos, and silica cases

(a) Assignment of cases

(1) Assignment of complex cases

Every case determined to be a complex case will be assigned for all pretrial purposes and possibly for trial to either Department 20 or Department 22.

(2) Assignment of asbestos and silica cases

Every case determined to be an asbestos or silica case will be assigned for all pretrial purposes and possibly for trial to Department 20.

(b) Notice of Assignment

(1) All cases designated as complex cases on the Civil Case Cover Sheet will be set for a complex determination hearing in Department 20 or 22. The court will enter a complex designation order in cases determined to be complex. The order will include a Notice of Initial Complex Case Management Conference. The court will issue a Notice of Assignment in all cases determined not to be complex.

(2) All asbestos and silica cases will be assigned within two court days of filing. A Notice of Assignment indicating the name and department number of the assigned judge, as well as the assigned judge's departmental schedule for noticed motions and ex parte applications, and a Notice of Initial Case Management Conference will be prepared by the court.

(c) Service of notices

(1) Service of notice by the clerk

The clerk will serve the Notice of Assignment, Notice of Initial Complex Case Management Conference or Notice of Initial Case Management Conference, and any Complex Determination order made by the court by mail on counsel of record for plaintiff and on any self-represented plaintiff, or personally on plaintiff or plaintiff's representative at the time the complaint is filed.

(2) Service of notice by the plaintiff

The plaintiff must serve the Notice of Assignment or Complex Determination order and the most recent case management conference notice on each named defendant either when that defendant is served with the summons and complaint, or as soon as plaintiff receives the notice, whichever is later and file a proof of service thereof. Whenever a cross complaint is filed, cross

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complainant must serve the Notice of Assignment or Complex Determination order on all cross defendants who are not already parties with the summons and cross compliant, and must file a proof of service thereof.

(d) Designation of assigned judge in subsequent documents

After a case is assigned, all subsequent documents must state on the face page, under the case number, the following:

ASSIGNED FOR ALL PRETRIAL PURPOSES TO:
JUDGE [insert name]
DEPARTMENT [insert number]

(e) Case management conference for complex cases

Cases determined to be complex will be scheduled for a Complex Case Management Conference after the hearing or order determining that the case is complex.

(f) Complex case management conference statements

Attorneys or unrepresented parties must file complex case management conference statements in the assigned department within five court days prior to the Complex Case Management Conference.

Chapter 4. Other Special Civil Case Types

Rule 3.300. Cases involving the California Environmental Quality Act

(a) Assignment of CEQA cases

Unless otherwise specified in these rules or ordered by the presiding or supervising judge, all CEQA cases will be assigned to a single judge for all purposes, including trial.

(b) Notice of assignment

A Notice of Assignment indicating the name and department number of the assigned judge, as well as the assigned judge's departmental schedule for notice motions and ex parte applications, will be prepared by the court.

(c) Service of notices

(1) Service of notice by clerk

The clerk will serve the Notice of Assignment either by mail on counsel of record for petitioner and on any self-represented petitioner, or personally on

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petitioner or petitioner's representative at the time the petition is filed.

(2) Service of notice by petitioner

The petitioner must serve the Notice of Assignment and the most recent case management conference notice on each named respondent or defendant either when that respondent or defendant is served with the summons and complaint, or as soon as petitioner receives the notice, whichever is later, and file a proof of service thereof.

(d) Designation of assigned judge in subsequent documents

After a CEQA case is assigned, all subsequent documents must state on the face page, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO:

JUDGE [insert name]

DEPARTMENT [insert number]

(e) Unavailability of assigned judge

In the event of the temporary unavailability of the judge assigned to a CEQA case for all purposes, another judge may be assigned to hear matters in that case. Until and unless the court issues an order or notice revoking the existing single assignment or assigning a new judge for all purposes, any hearing that may take place before another judge does not affect the status of the case as originally assigned for all purposes.

If, due to temporary unavailability, a judge must hear a matter assigned to another judge, the court will note on the record that the case remains assigned for all purposes to the assigned judge.

Rule 3.310. Invitation to mediation

Petitioner must prepare and lodge with the designated CEQA department a notice form for the court's signature inviting mediation. The clerk will mail the notice of invitation to all parties.

Rule 3.320. Preparation of the administrative record

(a) Preparation by the public agency

Within 20 days after receipt of a request to prepare the administrative record, the public agency responsible for such preparation must personally serve on petitioner a preliminary notification of the estimated cost of preparation, setting forth the agency's normal costs per page, other reasonable costs, if any, the agency anticipates, and the

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likely range of pages. This notice must also state, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, must designate the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and must provide a listing of dates and times when those documents will be made available to petitioners or any party for inspection during normal business hours as the record is being prepared. This notice must be supplemented by the agency from time to time as additional documents are located or determined appropriate to be included in the record.

(b) Notification that petitioner elects to prepare the record

Upon receipt of this preliminary notification, petitioners may elect to prepare the record themselves provided they notify the agency within five days of such receipt. If petitioners so elect, then within 40 days of service of the initial notice to prepare the administrative record, petitioner must prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven calendar days of this notification, the agency, or other parties if any, must prepare and serve the petitioners and all parties with a document notifying them of any document or item that such parties contend should be added to, or deleted from, the record. The agency must promptly notify petitioners of any required photocopying procedures or other conditions with which petitioners must comply in their preparation of the record.

(c) Notice by agency of proposed record

If petitioners do not so elect, then within 40 days after service of the request to prepare the administrative record, the agency must prepare and serve on the parties a detailed index listing the documents proposed by the agency to constitute the record and provide a supplemental estimated cost of preparation. Within seven calendar days of receipt of this notification, petitioners, or other parties if any, must prepare and serve the agency and all parties with a document notifying the agency of any document or item that such parties contend should be added to, or deleted from, the record.

(d) Preparation by Petitioner

(1) Notice designating location of documents

Within 20 days after receipt of petitioner's notice of election to prepare the record, the public agency responsible for certification of the record must personally serve on petitioner a preliminary notification designating, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and the dates and times when those documents will be made

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available to petitioners or any party for their inspection and copying. This notice must also state any required photocopying procedures or other conditions with which petitioners must comply in their preparation of the record. This notice must be supplemented by the agency as additional documents are located or determined appropriate to be included in the record.

(2) Service of index

Within 40 days after service of petitioner's notice of election, petitioners must prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within 7 calendar days of this notification, the agency, or other parties if any, must prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.

Rule 3.330. Format of the administrative record

(a) Binding and length of volumes of the administrative record

The administrative record must be provided in one or more volumes of not more than 300 pages that are separately bound. The pages of the administrative record must be numbered consecutively and bound on the left margin. The cover of each volume of the records must be the same size as its pages and contain the same material as the cover of a brief, but must be labeled "Administrative Record."

(b) Index

At the beginning of the first volume of the administrative record, there must be an index of each paper or record in the order presented in the record referring to each paper or record by title or description and the volume and page at which it first appears.

(c) Organization

The administrative record must be organized in the following order:

- (1) The Notice of Determination;
- (2) All resolutions or ordinances adopted by the lead agency approving the project or required by law;
- (3) The Draft or revised Draft Environmental Impact Report and initial study;
- (4) The comments received on and the responses to those comments prepared for the Draft Environmental Impact Report or Negative Declaration, including

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any modification of the environmental documents and project made after the comment period;

- (5) The remainder of the Final Environmental Impact Report, including all appendices and other materials;
- (6) The staff reports prepared for the approving bodies of the lead agency;
- (7) Transcripts or minutes of all hearings; and
- (8) The remainder of the administrative record.

Rule 3.335. Disputes regarding the contents of the administrative record

Once the administrative record has been filed, any disputes about its accuracy or scope should be resolved by appropriate noticed motion. For example, if the agency has prepared the administrative record, petitioners may contend that it omits important documents or that it contains inappropriate documents; if the petitioners have prepared the record, the agency may have similar contentions. A motion to supplement the certified administrative record with additional documents or to exclude certain documents from the record may be noticed by any party and should normally be filed concurrently with the filing of petitioner's opening memorandum of points and authorities in support of the writ. Opposition and reply memoranda on the motion should normally be filed with the opposition and memoranda, respectively, regarding the writ. The motion should normally be calendared for hearing concurrently with the hearing on the writ.

Rule 3.340. Briefing schedule and length of memoranda

Unless otherwise ordered by the court, the following briefing schedule must followed:

- (1) Petitioner must file directly in the designated CEQA department and serve personally, by overnight mail or, if previously agreed, by fax, an opening memorandum of points and authorities in support of the petitioner within 30 days from the date the administrative record is served.
- (2) Respondent and Real Party in Interest must file directly in the designated CEQA department and serve personally, by overnight mail or, if previously agreed, by fax, opposition points and authorities, if any, within 30 days following service of petitioner's memorandum of points and authorities.
- (3) Petitioner has 20 days from service of the opposition's points and authorities to file directly in the designated CEQA department and serve personally, by overnight mail or, if previously agreed, by fax, a reply memorandum of points and authorities.

Rule 3.350. Settlement meeting

The initial notice must provide that, if the parties agree, the first settlement meeting will be

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continued so as to take place no later than 35 days after the administrative record is served.

Rule 3.370. Statement of issues

The statement of issues must identify those portions of the administrative record that are directly related to the contentions and issues remaining in controversy.

Rule 3.380. Trial notebook

Petitioner must prepare a trial notebook that must be filed with the designated CEQA department 14 days before the date of the hearing. The trial notebook must consist of the petition, all answers, the briefs, any motions set to be heard at trial, the statement of issues, and any other documents agreed upon by the parties.

Rule 3.400. Other petitions for administrative or ordinary mandamus

Rule 3.500. Petitions to compel arbitration or to confirm an arbitration award

Rule 3.600. Unlawful detainers

The rules in this chapter may be referred to as the Local Unlawful Detainer Rules.

Rule 3.610. Undertakings

Unless otherwise ordered by the court, the minimum amount of undertaking required for an order for immediate possession of is ten times the amount of monthly rental, but not less than \$500.00.

Rule 3.620. Request for trial date

Plaintiff must file a request for trial no later than 25 days after filing an unlawful detainer complaint.

Rule 3.630. Notice that defendant has vacated premises and redesignation of case

The plaintiff must notify the court in writing forthwith if all defendants have ceased possession of the property prior to trial and that possession of the property is therefore no longer an issue. Upon receipt of such notice, the court will issue a Notice of Assignment of the case as a limited or unlimited civil case.

Rule 3.640. Status conference

The court will set a status conference 45 days after filing of an unlawful detainer complaint unless the case has been set for trial, the court has issued a Notice of Assignment following redesignation of the case as a limited or unlimited case, or a disposition of the case has been entered.

Rule 3.650. Applications for stays of execution or other extraordinary relief

Ex parte applications for stays of execution or other extraordinary relief in unlawful detainer matters must be accompanied by a declaration showing each of the following:

- (1) Opposing counsel (or, if there is none of record, the opposing party) has been notified at least 24 hours in advance by telephone or in person of the time of the application.
- (2) The facts that necessitate proceeding ex parte.
- (3) The facts that constitute good cause for a stay of execution.

Factual matters must be set forth directly, not on information and belief. A form of declaration may be obtained from the clerk. Stays involving possession of real property will usually be granted only on condition that the payment of the reasonable rental value is paid to the court in advance if rent would otherwise become due.

Chapter 5. Alternative Dispute Resolution

Rule 3.700. Use of alternative dispute resolution processes encouraged

The court finds that it is in the best interests of all parties that they participate in alternatives to traditional litigation, such as arbitration, mediation, neutral evaluation, and voluntary settlement conferences. Therefore, the court may refer cases to an appropriate form of alternative dispute resolution (ADR) before they are set for trial, unless there is good cause to dispense with an alternative dispute resolution process.

Rule 3.710. Rules for alternative dispute resolution processes other than judicial arbitration

(a) Selection of provider

The parties may choose any ADR provider they wish, whether or not that provider is on the list described in the following section of these rules.

(b) Good faith participation is required

All parties to an alternative dispute resolution process must participate in the process in good faith.

(c) Personal appearance required

In conducting a session, the ADR provider should require the attendance of persons with full authority to resolve the dispute. The provider should only permit telephone

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appearances if good cause to waive personal appearance was shown in a timely manner prior to the session.

(d) Cost of the alternative dispute resolution process

Unless the ADR provider's fees and expenses have been ordered by the court, the parties and the provider must agree on the fees and expenses. The fees and expenses of the provider will be borne by the parties equally, unless they agree otherwise.

Rule 3.720. Alternative dispute resolution provider list

The court maintains a list of alternative dispute resolution providers to assist parties and counsel in obtaining access to experienced and affordable alternative dispute resolution services. The list includes providers in the areas of mediation, neutral case evaluation, private arbitration and judicial arbitration. The list, including names, qualifications, services provided and fees charged, will be posted on the court's website and will be available in the office of the ADR program administrator.

Rule 3.740. The ADR administration committee

(a) Members

In addition to the members required by the California Rules of Court, the court's ADR Administration Committee will also include three or more members chosen by the presiding judge as representatives of ADR providers serving on the court's ADR panels.

(b) Duties of the committee

In addition to the responsibilities provided in the California Rules of Court, the court's ADR Administration Committee has the following responsibilities:

- (1) To establish criteria for ADR panel eligibility;
- (2) To recruit and appoint ADR providers to the ADR panels;
- (3) To deny applications for the ADR panel;
- (4) To investigate any written complaints received regarding the conduct of ADR panelists and determine appropriate action, including but not limited to, issuing a reprimand, removing an individual from the ADR panel, and prohibiting future participation in the ADR panel;
- (5) To develop informational and educational material concerning the court's ADR panels;

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- (6) To review the administration and operation of the ADR panel list and make recommendations to improve the program, promote the ends of justice, and serve the needs of the community; and
- (7) To gather statistical and other evaluation information concerning the court's ADR program to ensure that the reporting requirements to the Judicial Council are met.

Rule 3.750. Grievance procedure

The grievance procedure described in this section applies to all providers of alternative dispute resolution services, including those who serve as arbitrators for judicial arbitration proceedings.

(a) Complaints concerning an ADR panel member

Complaints concerning an ADR panel member must be submitted in writing to the ADR Program Administrator.

(b) Referral to ADR Administration Committee

The ADR Program Administrator will assemble all available information regarding the complaint and refer the complaint file to the ADR Administration Committee for review.

(c) Frivolous complaints

If the committee finds the complaint is frivolous or without merit on its face, no further action will be taken, although a file of the complaint will be maintained.

(d) Investigation and action by the committee

If the committee determines an investigation is warranted, it will establish a subcommittee of its members for such purpose. The subcommittee will review the complaint, conduct an investigation, and make a recommendation for action to the full committee. A copy of the complaint will be provided to the affected panel member who will be given an opportunity to respond in writing. Upon the conclusion of the subcommittee's investigation and recommendation, the committee will take appropriate action, including but not limited to, issuing a reprimand of the panel member, or directing the suspension or removal of the panel member from the court's ADR Provider List. The decision of the committee is final.

(e) Notification of action

Each complainant and affected panelist will be promptly notified in writing of the

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receipt and of the disposition of the complaint.

(f) Confidentiality of complaint file

Except as provided above or as necessitated by an investigation, papers filed and proceedings conducted on a complaint against a panel member will be kept confidential.